

ARTICLE 101-03.1

DISCIPLINARY MATTERS

Chapter

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CHAPTER 101-03.1-01 UNPROFESSIONAL CONDUCT

Section

101-03.1-01-01	Unprofessional Conduct
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101-03.1-01-01. Unprofessional conduct. Any of the following acts and omissions constitute a violation of the standards of professional appraisal practice and are grounds for disciplinary action:

1. Violation or attempted violation of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board.
2. Failure to comply with the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice and all other standards and ethical requirements adopted by the appraisal foundation.
3. Engaging in the business of real estate appraising under an assumed or fictitious name.
4. Paying a finder's fee or referral fee to any person in connection with the appraisal of real estate, but an intracompany payment for business development is not unethical.
5. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualification.
6. Violation of the confidential nature of individual, business, or governmental records to which a licensee or permittee gained accesses through employment or engagement as an appraiser.
7. Performance of appraisal services beyond the licensee's or permittee's level of competence.
8. Having been disciplined in another state, territory, or country relating to a license or certificate or the authorization to practice as an appraiser.

9. Negligence, refusal, or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal.
10. Failing as a state-certified real estate appraiser to actively and personally supervise any person not certified under the provisions of North Dakota Century Code chapter 43-23.3 who assists the state-certified appraiser in performing real estate appraisals.
11. Having become permanently or temporarily unfit to engage in appraisal activity because of physical, mental, emotional, or other causes. Suspension of a license or certification in cases where the licensee or permittee is temporarily unfit to conduct appraisal activity shall only be for the period of unfitness.
12. Commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as an appraiser or otherwise.
13. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
14. Filing a frivolous complaint against a permitted appraiser.

History: Effective January 1, 1995; amended effective February 1, 2003.

General Authority: NDCC 43-23.3-03, 43-23.3-22

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-02. Reporting requirements.

1. A licensee or permittee having direct knowledge that any licensee or permittee has violated any provision of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board shall report such knowledge to the board.
2. Upon being convicted of any act which is or would be punishable as a felony in this state, or upon being disciplined by the authority that regulates state-licensed or state-certified appraisers in another jurisdiction, an appraiser licensed or certified in this state shall notify the board of that fact within thirty days.

History: Effective January 1, 1995.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-03. Conflict of interest. Any board member having an immediate personal, private, or financial interest in any matter pending before the board shall disclose the fact to the board and shall not vote upon such matter.

History: Effective January 1, 1995.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22